

FIRST REGULAR SESSION

HOUSE BILL NO. 825

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORGAN.

1598H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 577 and 650, RSMo, by adding thereto three new sections relating to motor vehicle driver responsibility, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 577 and 650, RSMo, are amended by adding thereto three new sections, to be known as sections 577.056, 577.057, and 650.600 to read as follows:

577.056. 1. Any driver operating a motor vehicle on a highway, street, or roadway in this state shall have an affirmative duty to make all reasonable efforts to remove any accumulated ice or snow from any exposed surface of the vehicle prior to the operation of the vehicle. For the purposes of this section, “exposed surface” shall mean the hood, trunk, windshield, windows, and roof of a motor vehicle and the top of an intermodal freight container being carried by an intermodal chassis.

2. Any law enforcement officer may stop any person he or she believes to be in violation of subsection 1 of this section and if the officer believes the accumulated ice or snow poses a threat to persons or property.

3. A person who violates subsection 1 of this section shall be subject to a fine of not less than twenty five dollars nor more than seventy five dollars for each offense regardless of whether any snow or ice is dislodged from the motor vehicle, to be deposited in the fund created under section 650.600. In addition, every day a violation occurs shall be considered as a separate violation, but no person shall be subject to more than one fine for a violation of subsection 1 of this section within a period of twenty-four consecutive hours. No driver in violation of this section shall be assessed any points as prescribed under section 302.302.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **4. The provisions of this section shall not apply to any driver operating a motor**
18 **vehicle during a snow or ice storm that began during and continued for the duration of the**
19 **motor vehicle's operation, any driver of a motor vehicle while the vehicle is parked, any**
20 **driver of a motor vehicle or any vehicle carrying an intermodal freight container who is**
21 **not in physical possession of the vehicle or container at the time the snow or ice**
22 **accumulated, or any driver of a commercial motor vehicle that is traveling to a location**
23 **where equipment or technology that is used to remove snow and ice from commercial**
24 **motor vehicles is available provided the driver has not passed a location with snow and ice**
25 **removal equipment or technology used to remove snow and ice from commercial motor**
26 **vehicles. Law enforcement officers shall have the authority to inspect any documentation**
27 **relating to the route traveled by the driver of the commercial motor vehicle prior to being**
28 **stopped, including, but not limited to, a log book or map depicting the route traveled by**
29 **the vehicle.**

577.057. 1. Any driver of a motor vehicle in violation of section 577.056 whose
2 **moving motor vehicle has snow or ice dislodged from the vehicle and the snow or ice strikes**
3 **another vehicle or pedestrian causing injury or property damage, shall be subject to a fine**
4 **of not less than two hundred dollars nor more than one thousand dollars for each offense,**
5 **to be deposited into the fund created under section 650.600.**

6 **2. Any driver, operator, owner, lessee, or bailee of a commercial motor vehicle in**
7 **violation of section 577.056 whose moving commercial motor vehicle has snow or ice**
8 **dislodged from the vehicle and the snow or ice strikes another vehicle or pedestrian causing**
9 **injury or property damage will be subject to a fine of not less than five hundred dollars nor**
10 **more fifteen hundred dollars to be deposited in the fund created under section 650.600.**

11 **3. No driver in violation of this section shall be assessed any points as prescribed**
12 **under section 302.302.**

650.600. 1. There is hereby created in the state treasury the "Motor Vehicle Snow
2 **and Ice Removal Safety Fund", which shall consist of money collected under sections**
3 **577.056 and 577.057. The state treasurer shall be custodian of the fund. In accordance**
4 **with sections 30.170 and 30.180, RSMo, the state treasurer may approve disbursements.**
5 **The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be**
6 **used solely for the administration of this section. Notwithstanding the provisions of section**
7 **33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the**
8 **biennium shall not revert to the credit of the general revenue fund. The state treasurer**
9 **shall invest moneys in the fund in the same manner as other funds are invested. Any**
10 **interest and moneys earned on such investments shall be credited to the fund.**

11 **2. The director of the department of public safety shall establish a public awareness**
12 **campaign that educates the public on the importance of removing snow and ice from the**
13 **exposed surfaces of motor vehicles prior to the operation of such vehicles. This campaign**
14 **shall educate the public on the potential dangers associated with failing to remove snow or**
15 **ice from motor vehicles as well as the penalties that may be imposed as a result of failing**
16 **to remove snow or ice from a motor vehicle prior to operation.**

17 **3. The director of the department of public safety, in conjunction with the Missouri**
18 **state highway patrol and other law enforcement agencies, shall establish and maintain a**
19 **data collection system to be used to determine the number and seriousness of motor vehicle**
20 **accidents caused by snow or ice becoming dislodged from motor vehicles. The director**
21 **shall file an annual report to the general assembly that provides an analysis of the**
22 **information gathered through the data collection system and any recommendations for**
23 **reducing the number and seriousness of accidents caused by snow or ice dislodging from**
24 **motor vehicles.**

25 **4. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
26 **created under the authority delegated in this section shall become effective only if it**
27 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
28 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
29 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
30 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
31 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,**
32 **shall be invalid and void.**

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